



GREAT LAKES BINATIONAL TOXICS STRATEGY

Chicago

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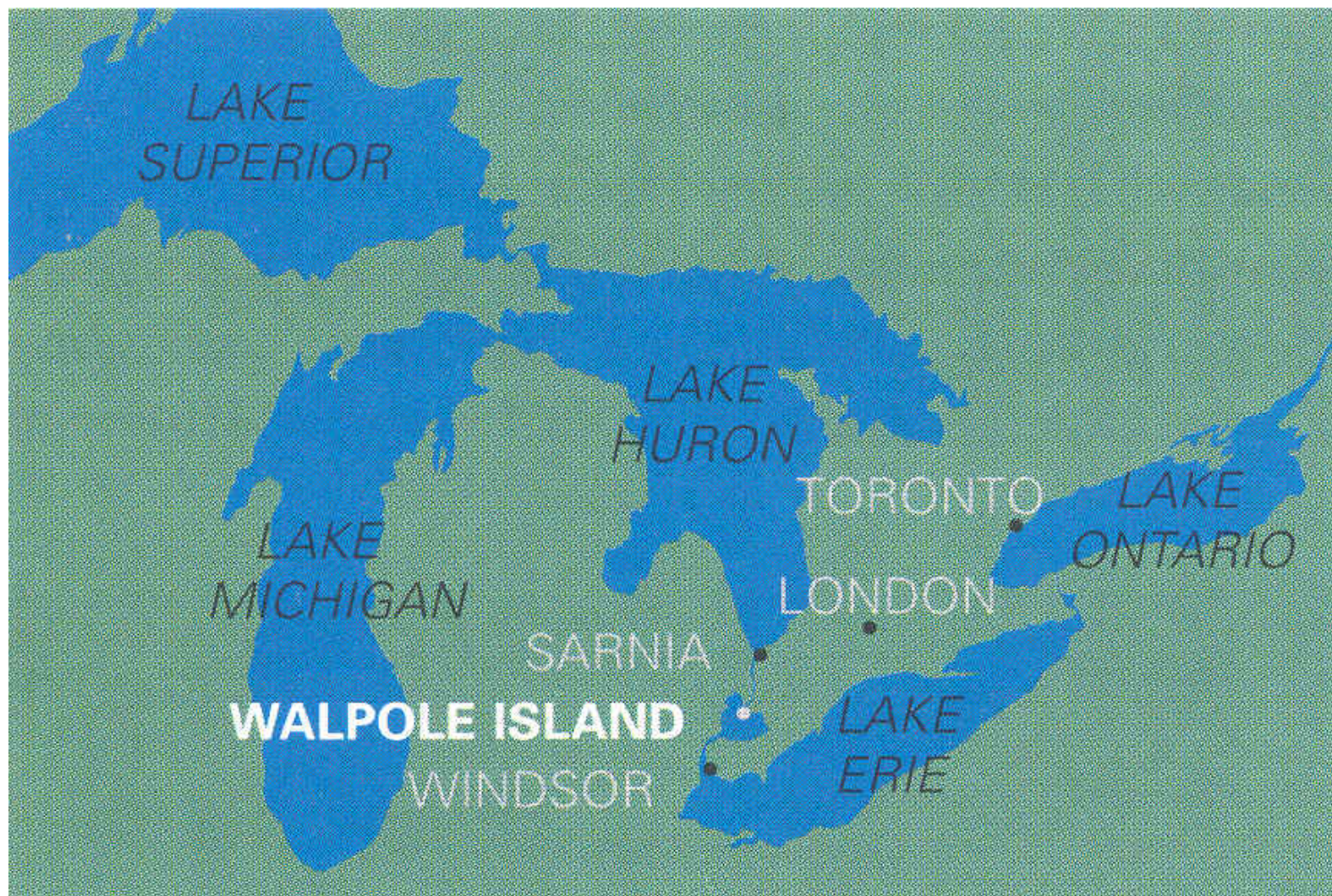
BKEJWANONG TERRITORY

WALPOLE ISLAND FIRST NATION

Walpole Island is the southernmost First Nation and the Heart of the Great Lakes



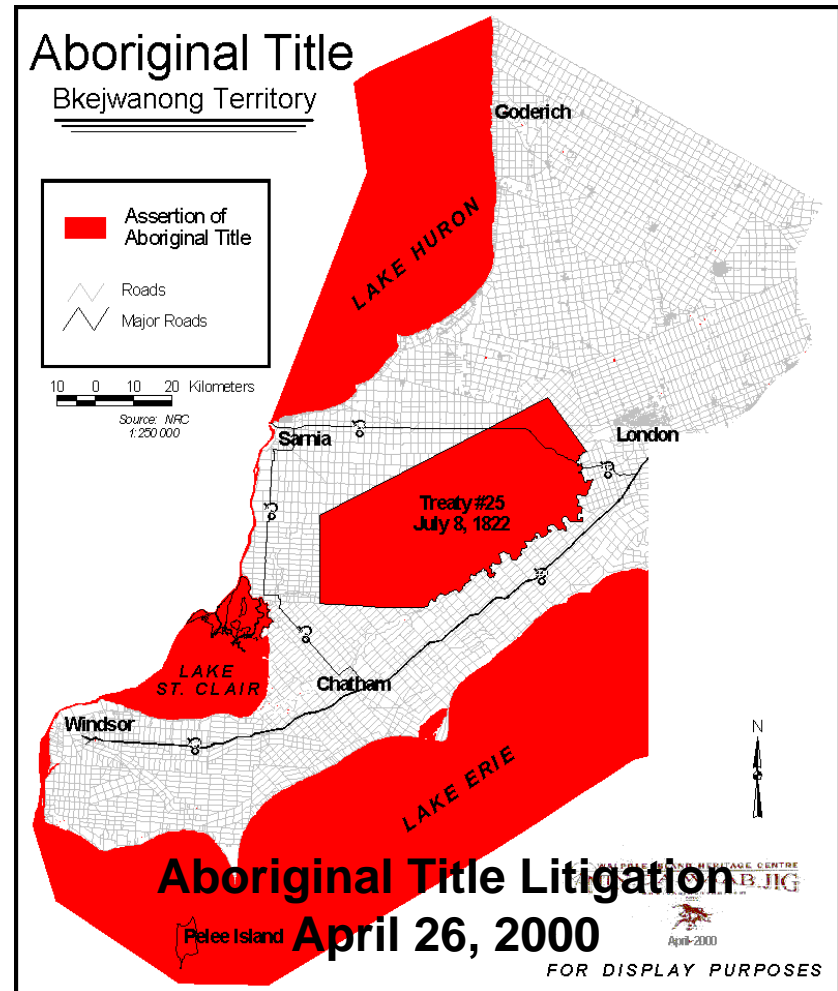
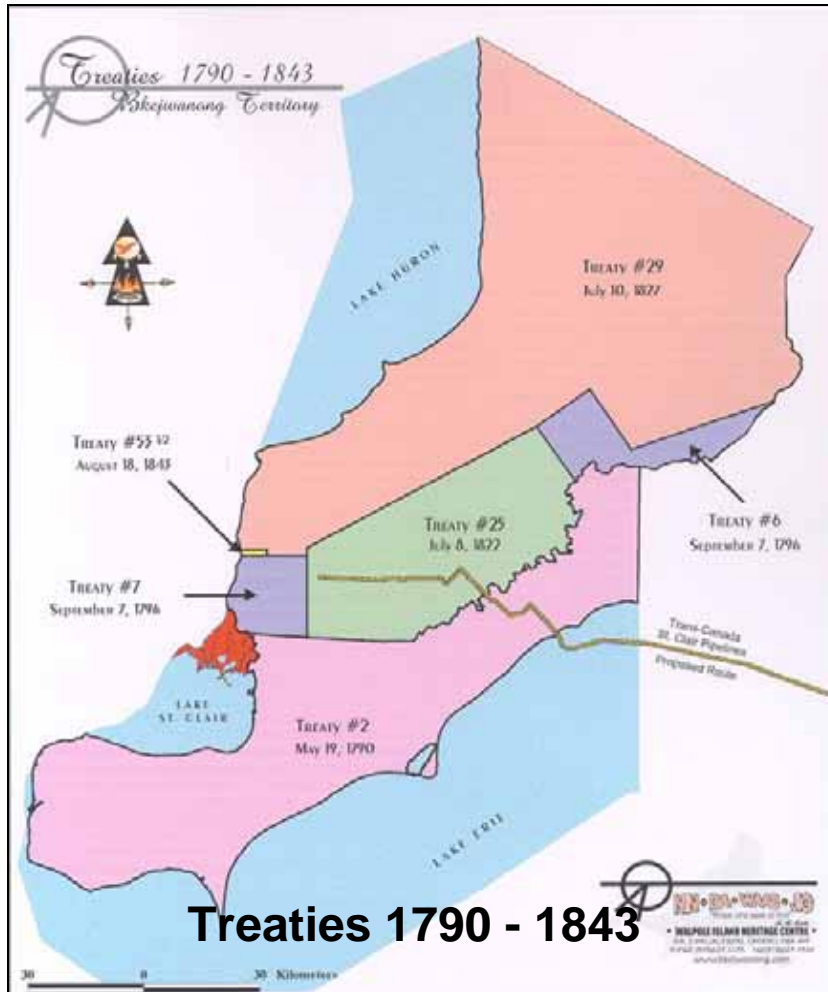
At the Heart of the Great Lakes



BKEJWANONG TERRITORY



Treaties and Aboriginal Title



Stewardship Approach

Among many Aboriginal people, 'the land' is understood to encompass not only the earth, but also lakes, rivers, streams and seas; the air, sky, sun, moon, planets and stars; and the full range of living and non-living entities that inhabit nature. In this all-encompassing view, the land is the source and sustainer of life. In return, people must act as stewards and caretakers of the earth...

This philosophical approach to governance, based on respect for the land and the need for responsible action, differs from conceptions of governance that emphasize domination and control. According to the Aboriginal approach, people do not have dominion over the land; they are subject to the land's dominion.

Canada, Royal Commission on Aboriginal Peoples, Report, vol. 2, 196, pp.117-118



Consensus

Whatever their system of government, many Aboriginal people have spoken of the principle of consensus as a fundamental part of their traditions. Under this principle, all community members should be involved in the process of reaching agreement on matters of common interest . . .

Through a prolonged process of formulation and reformulation, consensus gradually emerges, representing a blend of individual perspectives.

Canada, Royal Commission on Aboriginal Peoples, Report





Different Approaches

An Aboriginal Approach

Local Managers

Use of Knowledge Specific to Local Area

Holistic Approach

People part of environment

Problems resolved at community level by community

Harvesters are managers.

Resource territory is the same as the life-space territory.

Resources are shared by community.

A Government Approach

Distant managers

Use generalize knowledge.

Compartmentalized Technical approach.

Environment considered separate from people.

Problems are resolved far away, through bureaucratic, political system.

Bureaucrats are managers.

Resource territory is not usually where people are living.

Resources are state assets allocated to private users.

Our Traditional Connection to the Land



Hunting and Fishing



Gathering
Medicine & Food



Spiritual Connection & Enjoyment

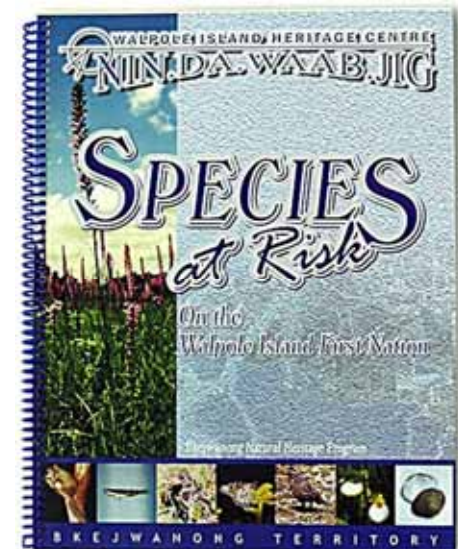
***"Caring for the Land –
an Ancestral Tradition"***

Results of that Connection



Today, the diverse ecosystems on Walpole Island support many forms of life . . .

**Including - Over 50
listed as Endangered,
Threatened, or Special
Concern in Canada**





Academic Denial

... It is of interest when oral traditions confirm other sources of information about the past, but except when they do, they should not be used even to supplement such sources.

Bruce G. Trigger, *The Children of Aataentsic: A history of the Huron People to 1660*. Montreal and Kingston; McGill-Queen's University Press, 1976 (vol. 1): 20.



Academic Denial

. . . while intriguing, these traditions cannot be used as evidence for the existence and persistence of long term cultural memory.

Alexander von Gernet, "Oral Narratives and Aboriginal Pasts: An Interdisciplinary Review of the Literature on Oral Traditions and Oral Histories", unpublished report submitted to the Department of Indian Affairs and Northern Development, Research and Analysis Directorate, Ottawa, part 2: 19.



Academic Acceptance

... The widespread recognition that something called 'traditional ecological knowledge' even exists represents, in itself, an important first step toward the full participation of aboriginal communities in the management of land and resources.

Paul Nadasdy, "The Power of Politics of TEK: Power and the 'Integration' of Knowledge," Arctic Anthropology, (1999) vol. 36(1-2): 1-2



Delgamuukw v. British Columbia [1997]

Supreme Court of Canada ruled that oral history and traditions must “be placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consist of historical documents.”



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Duty to Consult

- The Courts have found that First Nations have to be consulted by governments if their aboriginal title or other aboriginal rights will be interfered with by a decision to proceed with a development
- It is a direction that can yield benefits not only to Aboriginal peoples whose rights and title will be negatively affected. It can also yield benefits to corporations who choose to embrace consultation as a means of enhancing the success of their project and limiting its negative environmental impacts



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DUTY TO CONSULT

The Courts have laid down some principles for what the Crown's duty to consult should look like:

- what adequate consultation will be in any given case will vary with the circumstances (mere consultation to full consent is the spectrum of consultation).
- the Crown must provide full information to the relevant Aboriginal group in a timely way
- the Crown must inform itself fully of the rights and views of Aboriginal people

DUTY TO CONSULT

- the consultation must be meaningful, with the intention of substantially addressing the concerns of Aboriginal people.
- Courts have said that there is a reciprocal “duty” on the part of Aboriginal groups to express their interests or concerns if given an opportunity.
- merely inviting First Nations to participate in a public consultation process on the same basis as other “stakeholders” is insufficient “consultation”. First Nations, because of their constitutional rights are entitled to a “distinct process if not a more extensive one”.

BENEFITS

The kinds of benefits that can be obtained by openly consulting with Aboriginal peoples about proposed developments are numerous.

BENEFITS

- Creating a positive relationship between the corporation and the Aboriginal leadership and membership of a community. An on-going mutually constructive working environment is, as we all know, highly valuable.

BENEFITS

- Traditional ecological knowledge being incorporated into and enhancing:
 - a. baseline environmental studies (e.g., directing the location of the studies so that it properly targets valuable habitat)
 - b. environmental monitoring protocols (e.g., by adding parameters that should be monitored for, and identifying appropriate locations where the monitoring should take place)
 - c. development of mitigation measures (e.g., including fundamental planning-level mitigation measures like adapting the routing of pipelines, roads and other corridor-type developments to avoid valued habitat)

BENEFITS

- Creating a partnership approach to resolving environmental problems during a project's construction and operation. Corporations may see having to work with aboriginal representatives on a joint environmental committee as a cost and administrative burden, but the benefits of a second set of eyes to look at a problem (with eyes who know the territory better than anyone from outside) and come up with ways to solve it, is not to be underestimated.

BENEFITS

- Supplying qualified employees from the First Nation membership to work on the project. It is trite to say that not only does a job benefit the employee; it also benefits the employer. Training of potential aboriginal employees may be a necessary element of achieving this objective, because many Aboriginal people across Canada are at a substantial disadvantage when it comes to obtaining higher education and training. Employers may be called on to contribute some of those training costs, but the long-run benefit of having employees who reside close to a development and have a personal interest in seeing it operate well and with limited environmental impacts must be considered alongside the costs.

BENEFITS

- Establishing clear mechanisms for informing the Aboriginal community affected by a development about developments and impacts in the area affected by the development should reduce the degree of community-level frustration with a project.

When members of the community sit with corporate employees on a joint environmental committee and advise people in the community about what is really happening based on actually reviewing the information with adequate financial resources to do so, and the Aboriginal members on that joint committee live in and talk with members of the Aboriginal community about what is really happening, this can dispel unfounded rumours about environmental impacts.

BENEFITS

- Enhancing the opportunities for aboriginal businesses to supply goods and services to a proponent's project can substantially improve community relations, as well as meeting the corporation's needs for those goods and services.

BENEFITS

- Providing clear avenues for First Nations to communicate to corporations what their plans for community developments are, so that the corporations and First Nations can work together to make those community developments successful. To give an example, if a First Nation were considering building a facility which required specialized equipment, or wished to build a certain type of building, the corporation and the First Nation might together be able to work out an arrangement for the purchase of a corporation's surplus equipment or infrastructure to the benefit of both.



Environmental Future

There are at least four major emerging paths defining how humans will interact with the environment in the future:

- Global Effects
- Local Effects
- Bringing the outside in
- Taking the inside out



Where will First Nations in Canada – and in particular Walpole Island – Fit on these Paths?

- So Walpole Island First Nation, and in fact, all indigenous peoples in Canada, should be in a leadership position.
- One example of how we can do this is through trade in “environmental credits”
- There are many environmental trading mechanisms around the world.
- Net environmental benefits can be earned by a party which does things like protecting, restoring, or adding to: wetlands, forests, biodiversity areas or threatened species.